

Barbara A. Rohr (SBN 273353)
Benjamin Heikali (SBN 307466)
FARUQI & FARUQI, LLP
10866 Wilshire Boulevard, Suite 1470
Los Angeles, CA 90024
Telephone: (424) 256-2884
Facsimile: (424) 256-2885
E-mail: brohr@faruqilaw.com
bheikali@faruqilaw.com
Attorneys for Plaintiff Theodore Broomfield

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

THEODORE BROOMFIELD, individually and
on behalf of all others similarly situated,

Plaintiff,

v.

KONA BREWING CO., LLC, KONA BREW
ENTERPRISES, LLC, KONA BREWERY LLC,
and CRAFT BREW ALLIANCE, INC.,

Defendants.

Case No.: 5:17-CV-01159-BLF

CLASS ACTION

**STIPULATION AND ~~[PROPOSED]~~
ORDER TO CONSOLIDATE
RELATED CASES AND TO SET A
BRIEFING SCHEDULE**

SARA CILLONI and SIMONE ZIMMER,
individually, and on behalf of all others similarly
situated,

Plaintiffs,

v.

CRAFT BREW ALLIANCE, INC., a
corporation; and DOES 1 through 50, inclusive,

Defendants.

Case No.: 5:17-CV-01027-BLF

1 Plaintiffs Theodore Broomfield, Sara Cilloni, and Simone Zimmer (collectively, the
2 “Plaintiffs”), and Defendants Kona Brewing Co., LLC, Kona Brew Enterprises, LLC, Kona
3 Brewery LLC, and Craft Brew Alliance, Inc. (collectively, the “Defendants”) (the Plaintiffs and
4 Defendants are herein collectively referred to as the “Parties”), hereby stipulate as follows:

5 WHEREAS, the case captioned, *Sara Cilloni, et al. v. Craft Brew Alliance, Inc.*, No.
6 5:17-cv-01027-BLF (“*Cilloni* Action”), was filed in this Court on February 28, 2017;

7 WHEREAS, the case captioned, *Theodore Broomfield v. Kona Brewing Co., LLC, et al.*
8 Case No. 3:17-cv-01159-MEJ (“*Broomfield* Action”), was filed on March 6, 2017;

9 WHEREAS, on March 8, 2017, plaintiff in the *Broomfield* Action filed an administrative
10 motion to consider whether the *Cilloni* Action and the *Broomfield* Action should be related
11 (“Motion to Relate”) (*Cilloni* Action, Dkt. No. 11);

12 WHEREAS, on March 13, 2017, the Court granted the Motion to Relate (*Cilloni* Action,
13 Dkt. No. 12);

14 WHEREAS, Counsel for the Parties have conferred and are in agreement that the *Cilloni*
15 Action and the *Broomfield* Action should be consolidated for all purposes pursuant to Federal
16 Rule of Civil Procedure 42(a);

17 WHEREAS, the two cases are appropriate for consolidation under Rule 42(a) since they
18 involve common questions of law and fact concerning the marketing, sales and advertising of
19 Kona brand beer products and the allegedly misleading business practices of Defendants;

20 WHEREAS, consolidation of the two cases would advance the interests of judicial
21 economy by eliminating the need for the Court to oversee multiple cases that will ultimately
22 present substantially similar factual and legal determinations;

23 WHEREAS, counsel for Plaintiffs have met and conferred and have agreed to work
24 together on behalf of Plaintiffs and the proposed class; and

25 WHEREAS, the Parties have met and conferred and have reached agreement on the
26 briefing schedule set forth below.

1 **IT IS HEREBY STIPULATED AND AGREED**, by the Parties, through their
2 respective counsel of record that:

3 1. Pursuant to Fed. R. Civ. P. 42(a), the *Cilloni* Action and *Broomfield* Action are
4 hereby consolidated for all purposes.

5 2. The consolidated *Cilloni* Action and *Broomfield* Action shall herein be
6 collectively referred to as the "Consolidated Action." The Master Docket and Master File for the
7 Consolidated Action shall be Civil Action No. 5:17-cv-01027-BLF, and the Consolidated Action
8 shall bear the caption *Theodore Broomfield, et al. v. Craft Brew Alliance, Inc., et al.*

9 3. All orders, pleadings, motions, and other documents shall, when filed and
10 docketed in the Master file, be deemed filed and docketed in each individual case to the extent
11 applicable.

12 4. The Court hereby appoints Faruqi & Faruqi, LLP, and The Wand Law Firm as
13 Co-Lead Counsel.

14 5. Plaintiffs have up to and including April 7, 2017 to file a Consolidated Complaint.

15 6. Defendants have up to and including April 29, 2017 to answer, move or otherwise
16 respond to the Consolidated Complaint.

17 7. Should Defendants file a motion in response to the Consolidated Complaint,
18 Plaintiffs' opposition to Defendants' motion is due on May 26, 2017 and Defendants' reply in
19 support of their motion is due on June 9, 2017.

20 8. Defendants have no obligation to respond to the current *Cilloni* or *Broomfield*
21 complaints.

22 **IT IS SO STIPULATED.**

23
24 Dated: March 30, 2017

FARUQI & FARUQI, LLP

25 /s/ Barbara A. Rohr
26 Barbara A. Rohr, SBN 273353
27 Benjamin Heikali, SBN 307466
10866 Wilshire Boulevard, Ste. 1470

Los Angeles, CA 90024
Tel: (424) 256-2884
Fax: (424) 256-2885
Email: brohr@faruqilaw.com
bheikali@faruqilaw.com

Attorneys for Plaintiff Theodore Broomfield

THE WAND LAW FIRM

/s/ Aubry Wand
Aubry Wand (SBN 281207)
400 Corporate Pointe, Ste. 300
Culver City, CA 90230
Tel: (310) 590-4503
E-mail: awand@wandlawfirm.com

*Attorney for Plaintiffs Sara Cilloni and
Simon Zimmer*

SHOOK, HARDY & BACON, LLP

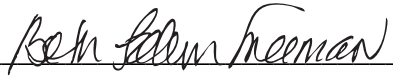
/s/ Naoki Kaneko
Naoki Kaneko (SBN 252285)
5 Park Plaza, Ste. 1600
Irvine, CA 92614
Tel: (949) 475-1500
Fax: 949.475.0016
Email: nkaneko@shb.com

Attorney for Defendants

[~~Proposed~~] Order

The above Stipulation, having been considered and for good cause appearing therefore,
IT IS SO ORDERED.

DATED: March 30, 2017


The Honorable Beth Labson Freeman
United States District Judge